

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

TONIA VERRET, et al.,

Plaintiffs,

v.

CV No. 17-913 CG/GJF

CITY OF HOBBS, et al.,

Defendants.

**ORDER DENYING AS MOOT DEFENDANTS' MOTIONS TO DISMISS**

**THIS MATTER** is before the Court *sua sponte*. On November 15, 2017, Defendants filed four motions to dismiss Plaintiffs' claims against them. (Docs. 4, 5, 6, and 7). On December 15, 2017, Plaintiffs filed a consolidated response to the motions, (Doc. 32), and on January 9, 2018, Defendants filed a consolidated reply, (Doc. 35). Plaintiffs recently filed an unopposed motion to amend their complaint, (Doc. 49), which was granted by the Court, (Doc. 50). An amended complaint supersedes the original complaint and renders the original complaint without legal effect. *Mink v. Suthers*, 482 F.3d 1244 (10th Cir. 2007). Because Defendants' motions to dismiss are based on Plaintiff's original complaint, the motions are now moot. *See GFF Corp. v. Associated Wholesale Grocers, Inc.*, 130 F.3d 1381, 1383 (10th Cir. 1997) (noting that the plaintiff's filing of an amended complaint rendered the defendant's motion to dismiss moot).

**IT IS THEREFORE ORDERED** that Defendants' motions to dismiss (Docs. 4, 5, 6, and 7) are **DENIED AS MOOT**.



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THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE